

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEFFREY COHEN,

Plaintiff,

-against-

09 Civ. 4352(PKC)

GERSPN LEHRMAN GROUP, INC.,

Defendants.

ORDER

P. KEVIN CASTEL, U.S.D.J.

I have the parties Joint Letter dated November 24, 2009. This is the Court's ruling on the dispute:

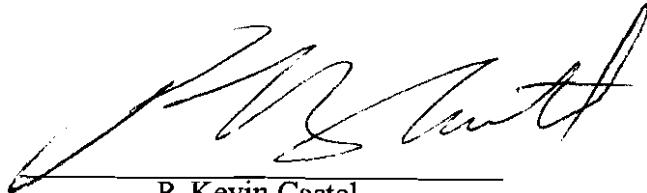
1. This is an action to recover uncompensated overtime wages under the FLSA and New York Labor Law. The named plaintiff was a research associate at a financial services firm. He worked for the firm from April 10, 2007 and December 31, 2008. Plaintiff proposes to discover facts supporting his claim through depositions of three of defendant's clients. The Court's case management authority under Rules 16(a) & (b)(3)(B)(ii) and 26(c), Fed. R. Civ. P., is quite broad. Under Rules 16 and 26, a party may seek and the Court may grant, a limitation on discovery, whether the discovery is of a party or a non-party. In the case of a non-party with whom the party has an actual or potential business relationship it is quite appropriate for a party, in justified circumstances, to seek such relief.

2. Any information plaintiff could obtain from these non-parties would be in plaintiff's own possession or control or would be more readily obtainable from defendant. In the Joint Letter, plaintiff has failed to adequately justify the need for the discovery. It appears to this Court that the information obtainable from these non-parties and, indeed, the impact on these non-parties is incidental to the primary goal of causing the defendant to run the

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risk of impairing its relationship with them by continuing to defend the litigation. The discovery of these non-parties is needless and abusive. The subpoenas to Goldman Sachs Asset Management, L.P., the Ontario Teachers' Pension Plan Board and Burgundy Asset Management Ltd are quashed in their entirety.

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
November 24, 2009